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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,589	12/23/2003	Hideaki Takahashi	SIMTEK6715	1588
25776	7590	07/21/2005	EXAMINER	
ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660			COMAS, YAHVEH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

10/707,589

Applicant(s)

TAKAHASHI, HIDEAKI

Examiner

Yahveh Comas

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by

Andrey U.S. Patent No. 5,723,931

Andrey discloses a rotary machine comprising an armature (1603) having a core from which a plurality of circumferentially spaced poles teeth extend in a radial direction, coil winding formed around said pole teeth and a permanent magnet (1602) component having a plurality of circumferentially spaced permanent magnets in confronting and closely spaced relation to the tip ends of said pole teeth to define a generally cylindrical gap therebetween, at least said permanent magnets (1602) having planar surface facing said gap.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 and 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Andrey U.S. Patent No. 5,723,931 in view of Abukawa et al. U.S. Patent No 6,313,558.

Andrey discloses the claimed invention except for said rotating machine comprising a stator pole having a planar surface facing the gap. However Abukawa discloses a rotating machine comprising stator poles with planar surfaces (25) facing a gap between the rotor and the stator in order to reduce the cogging torque.

Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify Andrey 's invention and provide a stator having a planar surface facing the gap since that would had been desirable in order to reduce the cogging torque.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrey U.S. Patent No. 5,723,931 in view of Hasebe et al. U.S. Patent No. 5,886,440.

Andrey discloses the claimed invention except for said rotating machine comprising a rotor wherein the permanent magnets are spaced from each other at a different circumferential distance. However Hasebe disclose a rotating machine having a rotor wherein the permanent magnets are spaced from each other at a different circumferential distance in order to suppress the torque ripple.

Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify Andrey 's invention and provide a rotor wherein the permanent magnets are spaced from each other at a different circumferential distance since that would had been desirable in order to reduce the torque ripple.

4. Claim 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrey U.S. Patent No. 5,723,931 in view of Hasebe et al. U.S. Patent No. 5,886,440 and in further view of Abukawa et al. U.S. Patent No 6,313,558.

Andrey in view of Hasebe discloses the claimed invention except for said rotating machine comprising a stator pole having a planar surface facing the gap. However Abukawa discloses a rotating machine comprising stator poles with planar surfaces (25) facing a gap between the rotor and the stator in order to reduce the cogging torque.

Therefore it would have been obvious to one having skill in the art at the time the invention was made to modify Andrey 's invention and provide a stator having a planar surface facing the gap since that would had been desirable in order to reduce the cogging torque.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571)272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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